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To the Honorable:

The Knights, Cittizens, and Bur-
gesses, in Parliament,
assembled.

*The humble Petition of George Carew, esquire Administrator
of the goods and Chattels of Sr. William Courten
Knight deceased, (with his will annexed)*

*John White, and James Boeve, of
London Merchants, on the behalfe
of themselves, and diverse
others, his Majesties good
Subjects of England.*

Sheweth:

 That the due Administrations of Justice, and Equity, have been delayed, and denied, in the ordinary Courts of Judicature in Holland, and Zeland, upon civil actions at Law, for these twenty six years, last past, to the great Damages and oppression of your Petitioners, and many Orphans, and Widdows, clayming under them. As by the severall cases, in the 36. Articles, hereunto annexed appears.

That the Lives, Liberties, and Estates, of other English-men abroad, are lyable to the like Prejudice, and Dangers, if it be not made a nationall concerne, to protect the subjects of England, in forraigne parts, and particularly to require Satisfaction, and reparations, in the respective cases of your Petitioners, according to the Circumstances of their Greviances, mentioned in the sayd Articles following.

And forasmuch, as there is noe other remedy left for your Petitioners releife, but by complaunt in Parliament, after soe many Intercessions of his Majestie, and his Ministers at the Hague, to the States Generall in vaine. The People of Holland, and Zeland taking advantage of their popular Interest in England, to expose the Honour, and Reputation of the King, and Kingdome, to scorne, and contempt, by their open, and manifest denials of Common Justice, to English-men.

YOUR Petitioners doe therefore most humbly pray, that your Honours, would take their Complaints into your most serious considerations, to the end, that some effectuall means, may be used, upon your Recommendation to his Majestie, that right may be done according to the merits of their respective causes.

And that hereafter a summary Way may be had, in the united Netherlands for Justice, as is used to strangers in England by neutrall, and unconcerned Persons.

And your Petitioners shall
ever pray, &c.

April 15th, 1675,

VVhereas the preservation of all mens rights , and property , consists in the Execution of Law , and Due administration of Justice ; which on the contrary , being obstructed or denied. All ciuell Society and Commerce must necessarily determine and be destroyed. And least any thing in theise 5. cases , might be drawne into consequence , or made Presidents to the disadvantage of others , for want of appealing to the Parliament for redress. The matters of fact are briefly and faithfully recollected , out of the originall writings , papers , and records , for publique View.

1. **T**hat Sr. *WWilliam Courten of London, Sr. Peter Courten* of Midleburgh in Zeland , his Brother , and *John Moncy* of London Marchant , their Brother in Law , traded together with a joyn't Stock of fifty thousand pounds sterlinc , to severall parts of the World , for the space of 25. years.

2. That a moyety or halfe parte of the Stock belonged to *Sr. William Courten* , and to Each of the other , a fourth part . The generall Books of Trade being kept by *Sr. Peter Courten* , who died at Midleburgh , in the yeare 1630. before the accounts of the Company were settled , and left *Peter Boudaen* of Midleburgh Marchant , his Nephew , his sole Executor .

3. That *John Moncy* , at the Request of *Sr. William Courten* , in the yeare 1631. went from London to Midleburgh , to settle the accounts of Trade , which had not been Liquidated in 14. yeares before , wherin rested a very considerable part of *Sr. William Courten's* Estate , both in money and goods .

4. That before the accounts were perfectly finished , *John Moncy* fell sick of a Lethergie , wherof he died on the 17. th of October 1631. at the House of *Peter Boudaen* , who framed *Mr. Monys* will , when he

was not *Compos Menti*, wherin the sayd *Peter Boudaen*, nomminated himselfe Executor, and incerted a provisoe, in the will, *not to be lyable to discouer Mr. Moncys Estate to any Person in the World.*

5. That afterwards, *Sr. William Courten*, entred upon an other Commerce, for trading Voyages to the East-Indies, but could not during his life, obtaine any ballance of the accounts, of his former Trade, from *Peter Boudaen*, or any moneys out of his hands, and left *William Courten* his sonn and heyre, his sole executor, and died in the yeare 1636.

6. That *William Courten* the Executor, having sustainted severall Losses, by the Hollanders, and others in *Asia* and *America*, contracted many great debts, and assigned his Shipps and Stock in the Indies, to *Sr. Edward Littleton*, and *Sr. Paul Pyndar*. Towards payment of his debts, & then absented himselfe, upon news that the East-India Company of the Netherlands, had violently seized and taken into their possession his two Shipps *Bona Esperanza* and *Henry Bona Adventura* of London, with their freights and lading, for trading with the Portugalls, that were then in Comon Ammity, both with England, and Holland.

7. That the sayd *William Courten* transported himselfe for *Italy* in the yeare 1648. where he died intestate, leaving his Fathers Estate unadministred, and the sayd accounts unsetled, through the iniquity of the times, whereof *Mr. Boudaen* tooke advantage.

8. That *John VVhite*, and *James Boeve*, haveing married *Susanna*, and *Hester de VVyer*, the daughters of the only sister of *John Money*, (who had promised to make them his heires, having noe children of his owne) caused the sayd *Peter Boudaen*, to be cited into the Prerogative Court of England, in the yeare 1651. to prove *Mr. Moncys* will by wittnesSES, which he had sent to be exhibited there, in Common forme, and consequently drawne 30000 p. sterl. of *Mr. Moncys* Estate out of London.

9. That *Peter Boudaen* refused to be conformable, to the sayd citation, pretending he was not subject to any forraigne Iudicature, although the proper Court to take Cognizance of the will, where it was exhibited. Then after severall other Admonitions, and Letters Requisitory

from the judge. Letters of Administration of the goods, and chattelles of *John Moncy*, was granted to *Hester White*, the surviving Neice of *John Moncy*.

10. That *Hester White* in the yeare 1652. summoned the sayd *Peter Boudaen*, before the Magistrates of Midleburgh (to have an account of *John Moncys Estate* as dyeing intestate) who excepted against her quallity, as Administratrix, pretending that there was a will, although the probate was denied. Nevertheless the sayd Magistrates in regard *Mr. Boudaen*, was an Elder of the English Congregation, in Midleburgh, they declared that *Mrs. White* was not receiuable in her quallity as yet. Which was a manifest deniali of Justice in Zeland, and a wronge to the Judicature of England.

11. That *Mrs. White* appealed from the Sentence of Midleburgh, to the supreame Court of Iudicature at the Hague, where after 4. yeais attendance and great expence, a Sentence was there pronounced, on the 19 of May. 1657. That Provided *Peter Boudaen* obliged himselfe to satisfie all Pretenders, Creditors, and others, that might pretend, to the Estate of *John Moncy*, that then the Administratrix, was not greived, by the Sentence of Midleburgh; but in case of refusall, they condemned him, to account with *Mrs. White*, for *Mr. John Moncys Estate*, reserving such right, as any person might pretend to the validity or invalidity of *Mr. Moncys will*. Which was nihil ad rem. but very impertinent, and a possitive deniali of Justice, in the supreame Court of Judicature of Holland, to sett up a false Executor in Zeland, against a legall Administratrix in England.

12. That after *Peter Boudaen* had obliged himselfe, by a notoriell Act, in persuance of the Sentence of the High Court. *Mr. Boeve* summoned him before the Magistrates of Midleburgh, for the payment of a Legacy of 2000, p. (with interest and damages,) given to his Wife by *Mr. John Moncy*, where he obtained a Sentence on the 11.th of February 1660. that *Mr. Peter Boudaen* should pay the sayd Legacy with damages, provided the Interest should not exceed the Capitall.

13. That *Peter Boudaen* appealed from the sayd Sentence, to the supreame Court of Iudicature at the Hague, where the suite hath depended these 15 years, contrary to all reason and equity, upon Counter-

charges, and vexatious pretences of *Boudaen*, to the damage of *Mr. Boeve*, ten thousand pound sterlinc, besides the loss of his imployment, in trade and Marchandize, whereby he hath impoverished himselfe, and his Family.

14. That Letters of Administration, of the goods and chattells of *Sr. William Courten* with his will annexed being granted to the sayd *George Carew* (after the death of *William Courten* the Executor) he gave a generall Procuration in the yeare 1662. unto *James Boeve* who summoned the sayd *Peter Boudaen* before the Magistrates of Midleburgh in the same yeare, and prayed by his bill that *Peter Boudaen*, should be injoyed to account with *Mr. Carew* concerning the Partnershipp in his quallity as Administratour of *Sr. William Courten*, or be ordered to deposite the generall Books of Trade, and other papers into the Secretary Office of the sayd City, or any neutrall place, that an account might be settled, at a joynct charge, in the presence of *Mr. Boeve*, who was a servant to *Mr. John Mony*, and knew how to settle the same.

15. That *Peter Boudaen*, being a Director of the East-India Company, and one of the Common Councell of the City, was admitted by the Magistrates to demand caution of *Mr. Boeve* for Costs, before they would proceed, which was neuer demanded in any such cases before. And after *Mr. Boeve* had given sufficient caution accordingly, the Magistrates tooke Exemption against it, and would have other caution, purposely to delay Justice, which continued soe, during the Dutch warr, untill the death of *Peter Boudaen*.

16. That *Sr. Jacob Catts* late Pensionaris of Holland, became bound on the 29. of July 1631. at London to *Sr. William Courten* for 3000 p. sterlinc which money continued at interest, after the death of *Sr. William Courten*, then his Sonn and Executor delivered the sayd bond, with a Letter of Attorney to *Jacob Pergens* of Amsterdam, who putt the same in suite against *Catts* at the Hague, in the Provinziall Court, who removed it to the supreame Court, where *Mr. Carew* intervened by his Procel in the yeare 1662. for the sayd debt and damages as administrator of *Sr. William Courten*, according to the Law of England, the Executor being dead, during the prosecutiou of *Pergens*.

17. That the Advocates of horh sydes agreed the case by consent, and transmitted it to England, for the judges opinion, who subscirbed their judgment, in the presence of *Major Wright*, a publique Notary to this Effect; That by the Law of England, the money due upon the bond from *Sr. Jacob Catts*, was vested in *Mz. Carew* the administrator, after the death of William Courten the Executor, who could not assigne a bond, by the Law of England, being a thing in action.

18. That Advocate *Sab*, and the rest of *Mz. Carews* Councell at the Hague, delivered an authentique Copy of the judges Opinion, in Latine, to the Lords of the supreame Court of Iudicature, and pleaded further: That by the instructions of their owne Court, a stranger being to be admitted, at his first instance, they were possitively obliged to give Sentence, according to the Laws of England, where the money was lent and the bond given. The Parliaments in France, and all Nations, governing themselves, in cases of Contracts, according to the Law of the place, where they are made.

19. That notwithstanding all the Arguments, and Results of the Judges, and Lawyers, *John de Witt* being a Kinsman of *Pergens* his wife, he prevailed with the Lords of the supreame Court of Iudicature, to give Sentence in the yeare 1663, that the Debt, Interest, and Damages, should be payd to *Pergens* he giveing caution, to save hermeless, and indempnified, the sayd *Catts*, and his Heyres against *Carew*, which was a violation of the Law, to the prejudice of *Mz. Carew*, and other Creditors of *Sr. William Courten*, the sum of 5000 p. and upwards, that ought to be refunded, upon a nationall demand.

20. That upon the Addresses, and earnest Solicitations of the Creditors, and Adventurers with *Sr. William Courten*. The King and Counsell insisted upon Satisfaction, and Reparation, from the Hollanders in the yeare 1662, for the two Shippes *Bona Esperanza*, and *Henery Bona Adventura* of London, his Majesty signifieng by Letters, under his signe manuell, to the States Generall. That he was obliged in Justice and honour, to see it effected accordingly.

21. That upon Consideration, Polleron should be restored, and
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satisfaction given for the two Shippes *Bona Esperanza*, and *Henry Bona Adventur.* All other damages, and injuries done in the East-Indies, to his Majestys subjects before his Restauration, were to be mortified and extinguished, by the 15th Article of the Treaty concluded at Whithall 4th of September 1662.

22. That the Kings Commissioners; The Duke of Albemarle, Earle of Manchester, Lord Holles, Lord Berkeley, Sr. George Carteret, Sr. Edward Nicholas, and Sr. William Morice; And the Dutch Embassadors Mr. Symon van Hoorn, and Mr. Michiel van Gogh, agreed in particular Termes before the Conclusion of that Treaty (that the damages concerning those two Shippes, should be adjusted at the Hague, and satisfaction given there, where the Controversie depended between Sr. George Downing, and the deputies of the States Generall) As appears by certificate under their hands and seals.

23. That in persuance of the sayd Treaty, and Agreement, two years time was afterwards spent at the Hague, and Amsterdam, in Applications, to the States Generall, and the East-India Company, for satisfaction and reparation, of the debt and damages (which amounted unto 150000 p. Sterling and upwards) that could not be acquired, unless a fifth parte might be accepted for the whole, including 85000 gilders to be refunded by Mr. Pergens, or his caution towards it.

24. That the Creditors, Adventurers, and Partners with Sr. *VVilliam Courten*, finding themselves agreived, and the Kings honour soe publicly exposed, by the Hollanders, they addressed themselves, with the State of their cales, unto the House of Commons, in the yeare 1664. who voted to assist his Majestie, with their lives and fortunes, in recovering Satisfaction, and Reparation, for the sayd Losses, and Damages, sustained by the Hollanders and Zelanders.

25. That upon fresh applications, made to his Majesty, by *Francis Late*, Earle of Shrewsbury, *VVilliam Loyd*, *Charles VVhitaker*, Esquires and severall other Creditors of *Courten*, *Littleton*, and *Pindar*, with the surviving partners of *Sr. VVilliam Courten*, after severall References to the Judges, and Kings Councell at Law, who reported that it consisted with Justice, and the Laws of Nations, for his Majesty in that singular

In case of the shippes attended with soe many Circumstances, to grant letters of Reprisall, against the States Generall and their subjects to continue in force, in all times of peace and warr, untill the summ of 151612. p. sterlinc with all incident costs and charges should be repented. Which was granted unto Sr. Edmond Turnor, and George Carew, their Executors, Administrators, and assignes accordingly, as by the letters Patents, under the great Seale of England, dated the 19. th of May, 1665. inrolled in Chancery, may appeare.

26. That the Hollanders neuertheless, pretend to be released and discharged, of the sayd debt by the Treaty at Breda, concluded in the yeare 1667. without any paymant, or compensation made, to the interested, and would seeme to charge the same upon the Crowne, if any thing should be taken, from them, by force of the sayd pattent.

27. That upon new addresses, made to the King, and Councell, by George Porter, & Thomas Coppin, Esquires, Thomas Kynaston, George Townesend, Marchants, and others, joyning with them, imploring his Majesties further ayde, and protection, in the premises. It was by order of the Councell Table, dated 22. of March 1671. referred to the Lords Commissioners of the Treasury, and the two principall Secretaries of State, whose report was drawne up, by Sr. Robert Howard, dated 29. of June 1672 signifying to the King, that the States Generall having cancelled the obligations of all past Treaties, and Agreements by breach of their articles, his Majesty and his subjects, in that case of the Shippes Bona Esperanza, and Henery Bona Adventura, were as free both in Justice, and Equity, to require satisfaction and reparations, (according to the debt already stated under the great Seale of England) as if those Treaties had never been made.

28. That in persuance of the sayd report, the King sent his Letter dated the 7. th of July 1672. to the Duke of Buckingham, and the Earls, of Arlington, (when they were treating with the French King, and the States Generall at Utrecht) requiring them to demand satisfaction, according to the sayd report, his Majesty further intimating, his care to protect his subjects, in their just rights, as well as to assist them in recovery therof.

29. That the Commissioners from the States Generall, then Resident

at *Hampton Court*, gave a pasport dated the 5. of July 1672, to Mr. *Carew* to trauell into Holland with his Servants, who tooke with him the Kings letters, orders of Councell, report, and severall other papers, and writings, relating to the premises. Yet notwithstanding the States of Holland committed Mr. *Carew*, and Mr. *John Sherland*, close prisoners, tooke away all their writings, and bagage, and detained them as criminals, without access, during the warr, where they were subject, to many affronts, & abuses, both from the States of Holland, and the tumultuous inhabitants there:

30. That *James Boeve*, was by the contrivance of old *Boudaens Sonns*, and their confederates, kept in Prison, at the Hague (upon a faigned action of Mr. *vander Helme*, and Mr. *Rymsdike*, in the Admiralty of Zeeland) for the space of 4. years, purposly to obstruct him in the prosecution, of his owne, and Mr. *Carews* affaires, and afterwards in the month of December 1672, pretending he was a confederate of Mr. *Carews*, who (they sayd) had obstructed the good intelligence betweene England and Holland, by prosecuting the actions, and demands, against the East-India Company, and others, they with-drew their action upon Mr. *Boeve* and caused him to be charged, as a criminall also, and tooke away his books papers and writings, relating to the sayd actions, and kept them during the warr, soe that they could not be made use of at Cologne, pursuant to an order of the Councell Table 10.th of May, 1673.

31. That *Don Pedro Fernandez de Iovar & Valasco, Marquis del Frenza*, the Spanish Embassador at London, by procuration from the States Generall concluded a peace with his Majesty, in the month of February 1674. whereby is confirmed and renewed (in the 7.th Article) the Treaty of Breda, as also, all other former Treaties in their full force and vertue, but noe further notice taken of the *Bona Esperanza*, and *Henery Bona Adventura*. The States of Holland pretending that the King is to give Satisfaction to the claymours, out of the moneys, to be payd by the States.

32. That after the Conclusion, of the peace, *Pensionaris Fagell* proposed to Sr. *Gabriell Silvius* at the Hague. That if the King would discharge the Dutch Prisoners in the Tower, and lett them free of all costs, and expences. That then the States Generall would doe the like by Mr. *Carew*, Mr. *Boeve*, and Mr. *Sherland*, where-upon Mr. *Secretary Coventry* did write,

write, unto *Sr. Gabriell Sylvius*, that the King was contented soe to doe, provided that his subjects should be first discharged, and have their writings, papers and bagage delivered, being committed, and detained contrary to the Laws of Nations, and Common right.

33. That after three weeks debate, *Pensionaris Fagell* proposed, that *Sr. Gabriell Sylvius*, or *Mr. Carew* should give security, that the King should performe on his parte, or that one of the three, should remaine prisoner, untill the King had performed, or that the charges and disbursements of the Dutch Prisoners, should be deducted out of the 200000. p. the King was to receive, by the Treaty, which was lookt upon, by the English Prisoners, to be very dishonorable demands.

34. That then the States of Holland, finding by computation that the cost and charges of the Dutch Prisoners, would amount unto 1500. p. or there-abouts, consented at last to discharge *Mr. Boeve*, *Mr. Carew*, and *Mr. Sherland*, computing thier cost, and incident charges of imprisonment, to amount unto the like summ which they promised to pay, accordingly.

35. That notwithstanding the King did *bona fide* pay 1540. p. sterlינג for the costs and incident charges of *Advocate Saff*, *Mr. Wackendenke*, *Mr. Payne*, and *Mr. Oversheld*, who were really guilty of high crimes and misdemeanours; yet the States Generall to this day have only payd 150. p. and left unpayd 1230. p. upon the account of *Mr. Carew*, *Mr. Boeve*, and *Mr. Sherland* (that died sone after his releasement of Melancholy humours, contracted in prison, for want of good company, ayre and exercise) where the Hollanders, will not be punctuall, in little matters, there is small hopes of their performance in greater, who never kept a Treaty with any.

36. That *Mr. Carew*, after his releasement, knowing that *Mr. Boudaen*, had left his Sonns and Daughters vast summs of money at his death, beyond expectation of the World, besids severall of the best plantations, and possessions in Surinam, he went to Midleburgh, and sent a publique Notary on the 8. th of Iune 1674. unto *Iohn*, *Peter*, and *Henery Boudaen*, and the rest of the Sonns, and Daughters, of old *Boudaen*, to require an account of *Sr. William Courtens Estate*, resting in

in their hands, and in case of deniall, to protest, for all costs and da-
mages, already sustained, or that should be sustained, by their further
obstinacy, and delays, who still refused to come to any account. Where-
upon *Mr. Carew* revived, the former action against the children, that
was brought by *Mr. Boeue* against the Father, upon *M. Carews* account,
and gave other caution by a sufficient Marchant of the place to the
liking of the Magistrates. Yet neuertheles^s they have admitted the
sayd *Baudaens* (being directors of the East and West-India Companies)
to make frivilous exceptions, against the Iudicature of England, only
for delay, contrary to the very ordinance of their owne Courte, ex-
pressly contained in the 45th Article of Instructions, for their proceeding
at Law in Middleburgh. Where *Mr. Carew* hath ever since, to his
great costs, and damages, dayly solicited the Magistrates, Burgermasters,
and Schepens for Iustice; in regard of *Mr. Boeves* age, who knows the
accounts; And also complayned unto *Sr. William Temple*, the King Em-
bassadour at the Hague, who is notregarded there, upon any judiciale
Complaynts whatsoever.

IT is not unknowne to severall Members of Parliament, how many Fami-
lies have suffered, in these iyes, by the fraudes and rapines of the
Hollanders, and Zelanders, wherin the cries of many Fatherles and
Vwidowes, calls aloud at the Parliament dores, for a grand In-
quiry to be made (for their releife) against the indirect practises and
insolencies of those people. Wherefore the Petitioners doe (openly)
appeale to the Parliament against the States of Holland, and Zeland,
for all the Capitall summs of Money, Losses, Damages, and incident
Charges whatsoever; (sustained by the Petitioners, and other persons
clayming the same) amounting unto the sum of two hundred
and fiftie thousand pound Sterling and upwarde.

